

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JERAMEY R. BROWN,

Plaintiff,

v.

JOE GULASH, *et al.*,

Defendants.

Case No. 07-cv-370-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Jeramey R. Brown's objection (Doc. 117) to Magistrate Judge Philip M. Frazier's February 19, 2010, order (Doc. 110). That order denied Brown's motion (Doc. 106) to supplement his response to various defendants' motion for summary judgment (Docs. 58 & 80) with five additional exhibits. The Court's order was in the form of an electronic docket entry:

ORDER denying 106 Plaintiff's Motion to Supplement his Response to Defendants' Motion for Summary Judgment. Plaintiff has provided the Court with no reason why he should be able to supplement his Response in this case. Signed by Magistrate Judge Philip M. Frazier on 2/19/2010.

A district court reviewing a magistrate judge's decision on nondispositive issues should only modify or set aside that decision if it is clearly erroneous or contrary to law. See Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). Accordingly, the Court will affirm Magistrate Judge Frazier's decision unless his factual findings are clearly erroneous or his legal conclusions are contrary to law. *Id.*

The Court is unable to determine from the brief docket entry Magistrate Judge Frazier's rationale for denying Brown's motion. The Court notes, however, that none of the exhibits Brown seeks to submit would have had any impact on the Court's rulings on defendant Nordstrom and

Wojtowicz's motion for summary judgment (Doc. 80) made at the March 11, 2010 hearing. For this reason, the Court **AFFIRMS** Magistrate Judge Frazier's order (Doc. 110) to the extent it applies to Nordstrom and Wojtowicz's motion for summary judgment (Doc. 80). It further **REVERSES** and **REMANDS** for a more complete explanation of the rationale for Magistrate Judge Frazier's decision to the extent it applies to the other motion for summary judgment (Doc. 58).

IT IS SO ORDERED.

DATED: March 17, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE